

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 19350-AD20-0416-065

IN THE MATTER OF:

Matthew Hepburn
1530 Spruce Ct.,
Jamison, PA 18929

Applicant.

License Number: 772566

Type of Agency Action: Enforcement

FILED

DEC 10 2020

STATE OF INDIANA
DEPT. OF INSURANCE

FINAL ORDER

On October 19, 2020, the Administrative Law Judge, Reuben B. Hill, filed his Findings of Fact, Conclusions of Law and Recommended Order in the above-captioned matter.

1. The Department served Findings of Fact, Conclusions of law, and Recommended Order on Respondent by mailing the same to his address of record.

2. The Department has complied with the notice requirements of Ind. Code §4-21.5-3-17.

3. Neither party has filed an objection with the Commissioner regarding the Administrative Law Judge's Findings of Fact, Conclusions of Law and Recommended Order, and more than eighteen (18) days have elapsed.

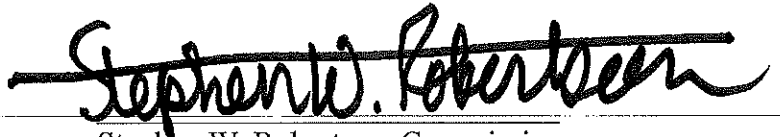
Therefore, the Commissioner of Insurance, being fully advised, now hereby adopts in full the Administrative Law Judge's Findings of Fact, Conclusions of Law, and Recommended Order and issues the following Final Order:

IT IS THEREFORE ORDERED by the Commissioner of Insurance:

1. Denial of Applicant's Non-resident Producer License application number 772566 is
Affirmed.

Under Ind. Code §4-21.5-5-5, Respondent has the right to appeal this Final Order by filing a
petition for Judicial review in the appropriate court within thirty (30) days.

ALL OF WHICH IS ORDERED by the Commissioner this 10 day of December, 2020.

A handwritten signature in black ink, reading "Stephen W. Robertson", written over a horizontal line.

Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Copies to:

Matthew Hepburn
1530 Spruce Court
Jamison, PA 18929

Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204

STATE OF INDIANA)
) SS:
COUNTY OF MARION)

BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO: 19350-AD20-0416-065

IN THE MATTER OF:)

Matthew Hepburn)
1530 Spruce Ct.,)
College Park, GA 30349)

Applicant.)

License Number: 772566)

Type of Agency Action: Enforcement)

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SEP 21 2020

STATE OF INDIANA
DEPT. OF INSURANCE

**PROPOSED FINDINGS OF FACT, CONCLUSIONS OF LAW
AND RECOMMENDED ORDER**

Administrative Law Judge (“ALJ”) Reuben Hill, having considered and reviewed all of the evidence, will now render a decision in the matter of Matthew Hepburn (“Applicant”). This matter came to be heard by the ALJ on August 19, 2020 at 11:00 a.m. via audio conferencing at the Indiana Department of Insurance, 311 West Washington Street, Indianapolis, Indiana.

The Enforcement Division of the Indiana Department of Insurance (“Department”) was represented by counsel, Victoria Hastings. Applicant appeared telephonically, and without counsel. Testimony was heard, and exhibits were received into evidence.

Based upon the evidence presented at said hearing, the ALJ now makes the following Findings of Fact and Conclusions of Law, and issues his Recommended Order.

FINDINGS OF FACT

1. Applicant submitted an application for a nonresident producer license on March 30, 2020. (Hearing Transcript, p. 13)

2. On Applicant's application for licensure, Applicant disclosed his criminal history, which included having a felony conviction. (Hearing Transcript, p. 13)

3. The Commissioner entered his Preliminary Administrative Order and Notice of License Denial on June 18, 2020, due to Applicant's criminal history, which included a felony conviction, and failure to disclose two administrative actions on his application for licensure. (Department's Exhibit 1)

4. A hearing was held at Applicant's request on August 19, 2020.

5. Applicant disclosed his criminal history, including his felony conviction on his application. (Department's Exhibit 2)

6. On or around December 17, 2015, Applicant was convicted on Possession with Intent to Sell, give or distribute more than one half ounce, a Felony, in the State of Virginia. (Department's Exhibit 6)

7. The date of the offense for the felony conviction was on or around July 23, 2014. (Hearing Transcript, p. 42)

8. Applicant was placed on supervised probation for a period of two (2) years for his felony conviction. (Department's Exhibit 6)

9. Applicant was not released from his felony probation until March 21, 2017. (Department's Exhibit 6)

10. On July 15, 2014, Applicant pleaded guilty to, and was convicted of Possession of Marijuana, a Misdemeanor, in the State of California. (Department's Exhibits 4 & 7)

11. Applicant was placed on probation for a period of three years for his Possession of Marijuana conviction from California. (Department's Exhibit 7)

12. Approximately one week after being convicted of the misdemeanor in California, which was on July 15, 2014, Applicant committed the Virginia felony offense on July 23, 2014. (Hearing Transcript, p. 51)

13. On November 19, 2013, Applicant pleaded guilty to, and was convicted of Possession of Marijuana, a Misdemeanor, and Possession of Drug Paraphernalia, a Misdemeanor, in the State of New Jersey. (Department's Exhibit 4)

14. Applicant has three drug related misdemeanor convictions in approximately a seven to eight month time period. (Hearing Transcript, p. 47)

15. Applicant failed to disclose two administrative actions on his application for licensure. (Department's Exhibit 2; Hearing Transcript, p. 27)

16. Applicant was involved in two administrative actions from California and Pennsylvania in 2019. (Department's Exhibit 3)

17. The California administrative action involved an Order of Summary Denial and Issuance of a Restricted License, which was issued on or around August 22, 2019. (Department's Exhibit 4)

18. California denied Applicant licensure due to Applicant's criminal history, and subsequently issued Applicant a restricted license. (Department's Exhibit 4)

19. The Pennsylvania administrative action, which involved a Consent Order, was due to Applicant failing to disclose the California administrative action on his application to renew his Pennsylvania license. (Department's Exhibit 5)

20. The Pennsylvania administrative action occurred on or around October 18, 2019. (Department's Exhibit 5)

21. Applicant testified that he disclosed the two administrative actions to his management at the company he worked at. (Hearing Transcript, p. 23-24)

22. Applicant testified that he disclosed those administrative actions to his management prior to submitting his application for licensure in Indiana. (Hearing Transcript, p. 24)

23. Applicant testified that he understood the California proceeding was an administrative action. (Hearing Transcript, p. 33)

24. Applicant testified that he understood the Pennsylvania proceeding was an administrative action. (Hearing Transcript, p. 37-38)

25. Applicant's application was attested to under the penalty of perjury that all of the information submitted in the application and attachments is true and complete, and that he is aware that submitting false information or omitting pertinent or material information in connection with the application is grounds for license denial. (Hearing Transcript, p. 27; Department's Exhibit 2)

26. Applicant's application further had a declaration that the Applicant provided all of the information submitted in the application.

27. Applicant testified that he provided all of the information to the authorized submitter. (Hearing Transcript, p. 28)

28. Applicant testified that he failed to ensure that both administrative actions from 2019 were disclosed on his application. (Hearing Transcript, p. 41)

29. Applicant did not admit any exhibits at the hearing.

30. The Department admitted seven (7) exhibits at the hearing. Department's Exhibit 1 was the Preliminary Administrative Order and Notice of License Denial. Department's Exhibit 2 was Applicant's application. Department's Exhibit 3 was a RIRS report. Department's Exhibit 4 was the California administrative action. Department's Exhibit 5 was Pennsylvania

administrative action. Department's Exhibit 6 was Applicant's felony conviction. Department's Exhibit 7 was Applicant's 2014 California misdemeanor conviction.

31. Conclusions of Law that can be adopted as Findings of Fact are hereby incorporated herein as such.

CONCLUSIONS OF LAW

1. The Commissioner of the Indiana Department of Insurance ("Commissioner") has jurisdiction over both the subject matter and the parties to this action.

2. This hearing was held in compliance with the Administrative Orders and Procedures Act of the Indiana Code.

3. Indiana Code § 27-1-15.6-12(b) states, in part, that the Commissioner may refuse to issue or renew an insurance producer's license, due to a number of factors.

4. Indiana Code § 27-1-15.6-12(b)(1) allows the Commissioner to refuse to issue a producer license for providing incorrect, misleading, incomplete, or untrue information in a license application.

5. Indiana Code § 27-1-15.6-12(b)(6) allows the Commissioner to refuse to issue or renew an insurance producer's license for having been convicted of a felony.

6. Indiana Code § 27-1-15.6-12(b)(8) allows the Commissioner to refuse to issue a producer's license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.

7. Applicant failed to disclose two administrative actions on his application for licensure, in violation of Indiana Code § 27-1-15.6-12(b)(1).

8. Applicant has multiple criminal convictions, including his felony conviction from December 17, 2015, for Possession with Intent to Sell, give or distribute more than one half ounce, a Felony, in violation of Indiana Codes §§ 27-1-15.6-12(b)(6) and 27-1-15.6-12(b)(8).

9. Indiana Code § 4-21.5-3-14(c) states that the person requesting an agency take action has the burden of persuasion and the burden of going forward. Here, Applicant is requesting that the Department issue him a nonresident producer license and, therefore, bears the burden.

10. Pursuant to Indiana Code § 27-1-15.6-12(d), a hearing was held to determine the reasonableness of the Commissioner's decision. Applicant failed to meet his burden of proving the Commissioner's decision was unreasonable.

11. Findings of Fact that can be adopted as Conclusions of Law are hereby incorporated herein as such.

RECOMMENDED ORDER

With the Findings of Fact and the Conclusions of Law as stated, the Administrative Law Judge now recommends to the Commissioner the following:

1. The denial of Applicant's nonresident producer license under license application number 772566 shall be AFFIRMED.

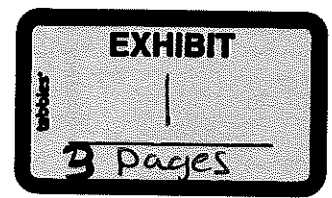
ALL OF WHICH IS ADOPTED by the Administrative Law Judge and recommended to the Commissioner this _____ day of _____, 2020.

Reuben Hill
Administrative Law Judge

Distribution:

Matthew Hepburn
1530 Spruce Ct.,
Jamison, PA 18929

Victoria Hastings, Attorney
Indiana Department of Insurance
311 W. Washington St., Suite 103
Indianapolis, IN 46204



STATE OF INDIANA)
) SS:
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BEFORE THE INDIANA
COMMISSIONER OF INSURANCE

CAUSE NO.: 19350-AD20-0416-065

IN THE MATTER OF:)

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Jamison, PA 18929)

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Type of Agency Action: Enforcement)

License Application #: 772566)

FILED

JUN 18 2020

STATE OF INDIANA
DEPT. OF INSURANCE

PRELIMINARY ADMINISTRATIVE ORDER
AND NOTICE OF LICENSE DENIAL

The Indiana Department of Insurance, pursuant to the Indiana Administrative Orders and Procedures Act, Indiana Code § 4-21.5-1 *et seq.* and Indiana Code § 27-1-15.6-12, hereby gives notice to Matthew Hepburn ("Applicant") of the following Administrative Order:

1. Applicant submitted an application for nonresident producer licensure with the Commissioner of the Indiana Department of Insurance ("Commissioner") on March 30, 2020.
2. Before approving an application, the Commissioner must find that the applicant has met specific requirements under Indiana Code § 27-1-15.6-8 and Indiana Code § 27-1-15.6-12.
3. Indiana Code § 27-1-15.6-12(b)(1) provides, in part, that the Commissioner may refuse to issue an insurance producer license for providing incorrect, misleading, incomplete, or materially untrue information in a license application.
4. Indiana Code § 27-1-15.6-12(b)(6) provides, in part, that the Commissioner may refuse to issue an insurance producer license for having been convicted of a felony.

5. Indiana Code § 27-1-15.6-12(b)(8) provides, in part, that the Commissioner may refuse to issue an insurance producer license for using fraudulent, coercive, or dishonest practices, or demonstrating incompetence, untrustworthiness, or financial irresponsibility in the conduct of business in Indiana or elsewhere.
6. Following a review of public records and materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Codes §§ 27-1-15.6-12(b)(6), and 27-1-15.6-12(b)(8) due to Applicant's criminal history, which includes a December 15, 2015 Possession with Intent to Sell, give or distribute more than one half ounce, a Felony, as well as for Applicant's three (3) misdemeanor convictions.
7. Following a review of public records and materials submitted by Applicant in support of his application, the Commissioner being fully advised, now hereby notifies Applicant that he has not fully met the requirements of licensure as stated by Indiana Code § 27-1-15.6-12(b)(1) due to Applicant's failure to disclose two (2) administrative actions from other states on his application for licensure. One administrative action is from October 18, 2019, from Applicant's home state of Pennsylvania where he was issued a restricted license due to not disclosing a California action, and the other administrative action from November 1, 2019, from California where Applicant was issued a restricted license.
8. Indiana Code § 27-1-15.6-12(d) provides that the applicant may, not more than sixty-three (63) days after notice of denial of the application is mailed, make written demand to the Commissioner for a hearing before the Commissioner to determine the reasonableness of the Commissioner's action.

IT IS THEREFORE ORDERED that Applicant's request for licensure is hereby **DENIED** pursuant to Indiana Codes §§ 27-1-15.6-12(b)(1), 27-1-15.6-12(b)(6) and 27-1-15.6-12(b)(8), due to Applicant's criminal history, which includes a felony conviction, and due to Applicant's failure to disclose two (2) administrative actions from other states on his application for licensure. Applicant may reapply for licensure not less than one (1) year from the date of this order.

6-18-2020
Date Signed


Stephen W. Robertson, Commissioner
Indiana Department of Insurance

Distribution to:

Matthew Hepburn
1530 Spruce Ct.,
Jamison, PA 18929

Victoria Hastings, Attorney
ATTN: Phil Holleman, Sr. Investigator
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